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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/465,038	12/16/1999	RONALD THOMAS KEEN	RCA89605	8392

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EXAMINER

YENKE, BRIAN P

ART UNIT	PAPER NUMBER
2614	11

DATE MAILED: 03/27/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

5-1

Office Action Summary	Application No.	Applicant(s)
	09/465,038	KEEN, RONALD THOMAS
Examiner	Art Unit	
BRIAN P. YENKE	2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on RCE (21 January 2003).

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1,25 and 26 (claims 2-24 all being cancelled) is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,25 and 26 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 21 January 2003 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. _____.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) Paper No(s). _____.

2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) Notice of Informal Patent Application (PTO-152)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.

6) Other: _____

DETAILED ACTION

1. It is noted by the examiner that no arguments have been filed with the applicant with the newly amended/added claims 1 and 25-26, thus no examiner response is provided.

Drawings

2. The drawings received on 21 March 2003 are accepted by the examiner.

Claim Objections

3. Newly added claim 26 has been filed as claim 25 (thus there are two new claims both labeled 25). The claim should be renumbered to claim 26.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 25-26 rejected under 35 U.S.C. 103(a) as being unpatentable over Martinez, US 5,812,184.

In considering claim 1,

a) *the claimed determining if said artifact...* Martinez discloses a system which places additional data over a video signal, where the video/data signal can be processed and eliminating any effects from the data signal on the video presented. Martinez discloses a receiver 49 (Fig 7) of TRM 22 (Fig 5) where the selected frequency signal is sent to compressed video detector 50 and uncompressed to NTSC block 52 (Fig 7)

b) *the claimed calculating a value for the frequency of said periodic signal...).* To properly cancel the effect of the additional data or any alien signal superimposed upon the waveform pedestal, the rate of the additional data must equal an odd harmonic of one-half the standard TV horizontal scan rate (col 9, line 28-48 and col 13, line 42-55) to visually cancel, and thus eliminate the artifact.

d) *the claimed setting said frequency of said periodic signal* is met by Martinez which discloses that any signal (in addition to video signal) that resides on the periodic video pedestal of 15,734 Hz which is intended to visually cancel must possess a fundamental frequency which an odd multiple of one-half the television horizontal (H-scan) frequency. An example given is the NTSC chrom-subcarrier of 3.579545 MHz is an odd multiple of one-half the horizontal scan rate, a multiple equal to 455. Thus any known frequency signal that is effecting the video passband of the video signal, as in the NTSC standard, can be eliminated/reduced. The component frequencies of the luminance signal are concentrated near a horizontal scanning frequency f_h and the higher harmonics nf_h , whereas the component frequencies of the chrominance signal are concentrated in odd harmonics of $\frac{1}{2} f_h$, thus $(n + \frac{1}{2}) f_h$.

However, Martinez does not specifically disclose rounding (c) *the claimed rounding the calculated value*. Martinez discloses the elimination of the data-over or alien signal imposed on a video signal by eliminating the odd harmonic of $\frac{1}{2}$ the horizontal frequency. The horizontal scan frequency of the NTSC video signal is 15,734.26573 Hz, thus by selecting a $n(1/2)fh$ ($2 \times 1.5 \times 15,734.26573$) of the horizontal frequency multiplied by the horizontal scan frequency results in a number of approximately 39.336 KHz. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the 39.336 KHz value, by rounding up or down the calculated value, based on the precision of the designer/system, where 15,734.26573 in precision will compute a 39.336 KHz signal which can thus be rounded down to the 39 KHz signal, and where 15,734.26573 is used as (16) rounded up, the computed frequency will be 40 KHz, thus the designer can round up or down.

In considering claims 25-26,

Martinez discloses the elimination of the data-over or alien signal imposed on a video signal by eliminating the odd harmonic of $\frac{1}{2}$ the horizontal frequency. The horizontal scan frequency of the NTSC video signal is 15,734.26573 Hz, thus by selecting a $n(1/2)fh$ ($2 \times 1.5 \times 15,734.26573$) of the horizontal frequency multiplied by the horizontal scan frequency results in a number of approximately 39.336 KHz. It would be obvious to one of ordinary skill that the approximate number 39.336 KHz, could be rounded up or down based on the precision of the designer/system, where 15,734.26573 in precision will compute a 39.336 KHz signal which can thus be rounded

down to the 39 KHz signal (claim 25), and where 15,734.26573 is used as (16) rounded up, the computed frequency will be 40 KHz (claim 26), thus the designer can round up or down.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Yenke whose telephone number is (703) 305-9871. The examiner work schedule is Monday-Thursday, 0730-1830 hrs.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's Supervisor, John W. Miller, can be reached at (703)305-4795.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist). Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 305-4700.

B.P.Y.

22 March 2003



JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600